IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 220 of 2004(A)

PETITIONER:

CHAMPAD VAYANASALA AND GRANDHALAYAM,
REG.S.NO.376, POST CHAMAD, KANNUR DISTRICT,
REP. BY K.HARIDASAN, ITS SECRETARY.

BY ADV. SRI.P.V.SURENDRANATH
SMT.BINDUMOL JOSEPH

RESPONDENTS:

1. STATE OF KERALA, REP. BY ITS SECRETARY
TO REVENUE DEPARTMENT,SECRETATE,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER,
LAND REVENUE, PUBLIC OFFICE BUILDINGS,
MUSEUM JUNCTION, THIRUVANANTHAPURAM-33.

3. DISTRICT COLLECTOR,
KANNUR DISTRICT, KANNUR.

4. REVENUE DIVISIONAL OFFICER,
THALASSERY.

5. THE TAHSILDAR,
THALASSERY TALUK, POST THALASSERY.

6. KHAIDER-MILLATH EDUVATIONAL AND
CHARITABLE TRUST, POST CHANMPAD, REP. BY ITS
GENERAL SECRETARY.

7. PANNIANNUR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, POST PANNIANNUR,
KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH
SRI.N.MANOJ KUMAR
GOVERNMENT PLEADER SRI.BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the resolution of petitioner's committee dated 30.8.1997.

Ext.P2: True copy of the covering letter dated 17.11.1997 issued by the petitioner while submitting formal application for assignment of land, to the 3rd respondent.

Ext.P3: True copy of the notice issued by the 4th respondent Tahsildar dated 23.5.1998.

Ext.P4: True copy of the representation dated 18.10.99 submitted by petitioner before the 3rd respondent District Collector.

Ext.P5: True copy of the representation made by the petitioner before the Secretary to the Kerala State Library Council dated on 25.4.2000.

Ext.P6: True copy of undertaking made by the petitioner dated 8.4.2002 and communicated to the 1st respondent.

Ext.P7: True copy of the representation dated 3.10.2003 issued by the petitioner to the President, Panniannur Grama Panchayat.

Ext.P8: True copy of the representation made by the President of the Panniannur Grama Panchayat to the Commissioner of Land Revenue Trivandum dated 9.10.2003.

Ext.P9: True copy of the resolution passed by the Panniannur Grama Panchayat dated 10.10.2003.

Ext.P10: True copy of the communication dated 3.11.2003 issued by the Deputy Commissioner , Land Revenue to the President, Panniannur Grama Panchayat.

Ext.P11: True copy of the communication letter dated 7.11.2003 issued by the Tahsildar, Thalassery to the President , Panniannur Grama Panchayat..

Ext.P12: True copy of the letter dated 18.12.2003 issued by the 1st respondent to the 2nd respondent.

Ext.P13: True copy of the communication/order dated 18.12.2003 issued by the 1st respondent to the 3rd respondent.

RESPONDENT'S EXHIBIT:

Ext.R6(a): True photocopy of the trust deed dated 7.7.2003.

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

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W.P.(C)NO.220 OF 2004

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Dated this the 30th day of March 2007

JUDGMENT

The challenge is on Exts.P12 and P13 communications issued by the Government. The issue pertains to the assignment of Government land. It is the contention of the 6th respondent who is the beneficiary of the impugned orders that the Government invoked its power under Rule 24 of the Kerala Land Assignment Rules in public interest and while exercising such power, the government is not bound to follow any of the rules. But it is seen from the counter affidavit itself that the 7th respondent/Grama Panchayat had submitted application for assignment of the said land and due steps in that regard had already been taken by the land assignment authorities. It is also stated in the counter affidavit that there was no objection from any quarters on the assignment of the land. When Rule 12 (1) notice in that regard was published, whether the assignment in favour of the 6th respondent has an overriding public interest over the public interest mooted by the Grama Panchayat is not

clear from the impugned order. It is seen that no reference whatsoever is made by the Government on the steps already taken for assignment of the land to the land on the basis of the request of the Grama Panchayat while assigning the land to the 6th respondent under Rule 24.

Having regard to the facts and circumstances of the case, I am of the view that the Government should consider the matter afresh with notice to the Grama Panchayat, the petitioner and the 6th respondent. Accordingly, I quash Exts.P12 and P13 and also the assignment of the land made to the 6th respondent with a direction to the first respondent to consider the matter afresh with notice to the petitioner, 6th and 7th respondents and pass fresh orders in the matter within a period of four months from the date of receipt of a copy of this judgment.

KURIAN JOSEPH, JUDGE

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